

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 23 2006

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

STEVEN R. CAPLAN,

No. 05-15285

Plaintiff - Appellant,

v.

TOMMY G. THOMPSON, Secretary, of
Health and Human Services,

Defendant - Appellee.

D.C. No.

CV-04-00251-ACK/LEK

District of Hawaii, Honolulu

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

ORDER

AUG 28 2006 ✓

at 8 o'clock and 0 min. AM
SUE BEITIA, CLERK

Appellant's motion to dismiss this appeal is granted. Fed. R. App. P. 42(b).

The parties shall bear their own costs and attorneys' fees on appeal.

A certified copy of this order shall serve as the mandate of this court.

FOR THE COURT


Stephen Liacouras
Circuit Mediator

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

AUG 23 2006


by: JM
Deputy Clerk